



COPY OF PAPERS
ORIGINALLY FILED

Receipt

PATENT
ATTORNEY DOCKET NO. 00786/339004

Certificate of Mailing: Date of Deposit: May 10, 2002

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, Office of Initial Patent Examination, Customer Service Center, Washington, D.C. 20231.

Michelle P. Chicos

Printed name of person mailing correspondence

Michelle P. Chicos

Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Xinnian Dong et al.	Art Unit:	1638
Serial No.:	08/908,884	Examiner:	
Filed:	August 8, 1997	Customer No.:	21559
Title:	ACQUIRED RESISTANCE GENES AND USES THEREOF		

RECEIVED
JUN 05 2002
TECH CENTER 1600/2900

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, D.C. 20231

PETITION TO CORRECT FILING RECEIPT

Applicants request that the enclosed filing receipt be corrected as follows:

Under the Attorney Docket No. field, replace "00786/33904" to read --00786/339004--.

Also, replace the mailing address listed under Clark & Elbing from "176 Federal Street" to read --101 Federal Street--.

Enclosed are copies of the incorrect filing receipt and the CPA Transmittal showing the correct Attorney Docket No. and correct mailing address of the firm.

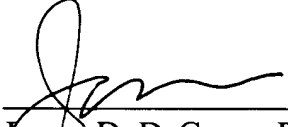
COPY OF PAPERS
ORIGINALLY FILED

If there are any charges or any credits, please apply them to Deposit Account No.

03-2095.

Respectfully submitted,

Date: 10 May 2002


James D. DeCamp, Ph.D.
Reg. No. 43,580

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110-2214
Telephone: 617-428-0200
Facsimile: 617-428-7045



21559

PATENT TRADEMARK OFFICE

TECH CENTER 1600/2900

JUN 05 2002

RECEIVED

RECEIVED

JUN 05 2002

Page 1 of 2

COPY OF PAPERS
ORIGINALLY FILED

UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
08/908,884	08/08/1997	1638	2558	00786/33904	34	44	8

RECEIVED

00786/339004

CONFIRMATION NO. 9977

CLARK & ELBING
476 FEDERAL STREET
BOSTON, MA 02110

MAY 02 2002

CORRECTED FILING RECEIPT



OC000000007939003

CLARK & ELBING

Date Mailed: 04/24/2002

Receipt is acknowledged of a CPA in this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)XINNIAN DONG, DURHAM, NC;
FREDERICK M. AUSUBEL, NEWTON, MA;
HUI CAO, DURHAM, NC;
JANE GLAZEBROOK, COLUMBIA, MD;**Domestic Priority data as claimed by applicant**THIS APPLN CLAIMS BENEFIT OF 60/023,851 08/09/1996
AND CLAIMS BENEFIT OF 60/035,166 01/10/1997
AND CLAIMS BENEFIT OF 60/046,769 05/16/1997**Foreign Applications**

If Required, Foreign Filing License Granted 12/04/1997

CPA filed on: 04/11/2002

Projected Publication Date: 08/01/2002

Non-Publication Request: No

Early Publication Request: No

Title

ACQUIRED RESISTANCE GENES AND USES THEREOF

Preliminary Class

800

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

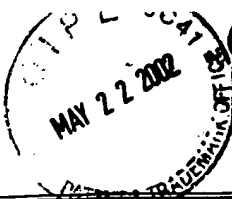
The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



COPY OF PAPERS
ORIGINALLY FILED

Certificate of Mailing		Label Number: <u>EL954300008US</u>
Date of Deposit: <u>April 11, 2002</u>		
I hereby certify under 37 C.F.R. § 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to: BOX CPA, Assistant Commissioner for Patents, Washington, D.C. 20231.		
<u>Guy Beardsley</u> Printed name of person mailing correspondence	 Signature of person mailing correspondence	

CONTINUED PROSECUTION APPLICATION TRANSMITTAL UNDER 37 C.F.R. § 1.53(d)	
Attorney Docket Number	00786/339004
Applicant	Xinnian Dong et al.
Title	ACQUIRED RESISTANCE GENES AND USES THEREOF
PRIORITY INFORMATION:	
This is a request for a continuation application under 37 C.F.R. § 1.53(d) (continued prosecution application (CPA)) of prior United States patent application 08/908,884, filed August 8, 1997.	
FILING QUALIFICATIONS:	
The prior application is (1) a utility application that was filed under 35 U.S.C. § 111(a) before May 29, 2000, and is complete as defined by 37 C.F.R. § 1.51(b); or (2) a national stage application of an international application that was filed under 35 U.S.C. § 363 before May 29, 2000, and is in compliance with 35 U.S.C. § 371.	
This CPA is being filed before the earliest of: (1) payment of the issue fee in the prior application, unless a petition under 37 C.F.R. § 1.313(c) is granted in the prior application; (2) abandonment of the prior application; and (3) termination of proceedings in the prior application.	
EXPRESS ABANDONMENT:	
This request for a CPA expressly abandons the prior application as of the filing date of this request.	
ACCESS TO PRIOR APPLICATION:	
This request for a CPA is construed to include a waiver of confidentiality by the applicant under 35 U.S.C. § 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning the prior application may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket.	
35 U.S.C. § 120 STATEMENT:	
This request for a CPA is the specific reference required by 35 U.S.C. § 120 to the prior application.	
PAPERS ENCLOSED:	
1.	Please enter the unentered amendment that was filed on [***DATE***] under 37 C.F.R. § 1.116 in the prior nonprovisional application.
2.	Please enter the enclosed preliminary amendment, consisting of [**] pages.

TECH CENTER 1600/2900

RECEIVED
JUN 05 2002



<input type="checkbox"/>	This application is filed by fewer than all of the inventors named in the prior nonprovisional application, 37 C.F.R. § 1.53(d)(4). Please delete the following inventors: [*NAMES OF DELETED INVENTORS**].
<input type="checkbox"/>	4. Enclosed is a new power of attorney, consisting of [**] pages.
<input type="checkbox"/>	5. Enclosed is an Information Disclosure Statement, consisting of [**] pages; a Form PTO 1449, consisting of [**] pages; and copies of [**] cited references.
<input checked="" type="checkbox"/>	6a. Applicant claims small entity status under 37 C.F.R. § 1.27.
<input type="checkbox"/>	6b. Small entity status is not applicable or is no longer claimed.
<input type="checkbox"/>	7. Applicant requests suspension of action under 37 C.F.R. § 1.103(b) for a period of [**NUMBER**] months (not to exceed 3 months). Payment of the fee required by 37 C.F.R. 1.17(i) for this request is enclosed.
<input type="checkbox"/>	8. Enclosed is a Request for Nonpublication under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.213(b).
<input checked="" type="checkbox"/>	9. Enclosed is a check for \$840.00 to cover the total fees calculated below.
<input checked="" type="checkbox"/>	10. Please apply any charges not covered or any credits, to Deposit Account No. 03-2095.
<input checked="" type="checkbox"/>	11. Enclosed is a copy of the Petition for Extension of Time for United States patent application 08/908,884.

FILING FEES:

Basic Filing Fee:	\$370.00
Excess Claims Fee: 52 - 20 x \$9	\$288.00
Excess Independent Claims Fee: 4 - 3 x \$42	\$42.00
Multiple Dependent Claims Fee: \$140	\$140.00
Fee for Request for Suspension of Action: \$130	
Total Fees:	\$840.00

CORRESPONDENCE ADDRESS:

Karen L. Elbing, Ph.D.
Reg. No. 35,238
Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Customer No.: 21559

Telephone: 617-428-0200
Facsimile: 617-428-7045

Signature

James D. DeCamp
JAMES D. DE CAMP
Reg. No. 43,580

11 April 2002

Date



21559

PATENT, TRADEMARK OFFICE

RECEIVED

JUN 05 2002

TECH CENTER 1600/2908

FILE COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov



Bib Data Sheet

CONFIRMATION NO. 9977

#3

SERIAL NUMBER 08/908,884	FILING DATE 08/08/1997 RULE	CLASS 800	GROUP ART UNIT 1638	ATTORNEY DOCKET NO. 00786/339004
------------------------------------	---	---------------------	-------------------------------	--

APPLICANTS

XINNIAN DONG, DURHAM, NC;
FREDERICK M. AUSUBEL, NEWTON, MA;
HUI CAO, DURHAM, NC;
JANE GLAZEBROOK, COLUMBIA, MD;

** CONTINUING DATA *****

THIS APPLN CLAIMS BENEFIT OF 60/023,851 08/09/1996
AND CLAIMS BENEFIT OF 60/035,166 01/10/1997
AND CLAIMS BENEFIT OF 60/046,769 05/16/1997

** FOREIGN APPLICATIONS *****

IF REQUIRED, FOREIGN FILING LICENSE GRANTED

** 12/04/1997

RECEIVED
JUN 05 2002
TECH CENTER 1600/2900

Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no	STATE OR COUNTRY NC	SHEETS DRAWING 34	TOTAL CLAIMS 44	INDEPENDENT CLAIMS 8
35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance				
Verified and Acknowledged	Examiner's Signature	Initials		

ADDRESS

CLARK & ELBING
101 FEDERAL STREET
BOSTON ,MA 02110

TITLE

ACQUIRED RESISTANCE GENES AND USES THEREOF

FILING FEE RECEIVED 2558	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees
		<input type="checkbox"/> 1.16 Fees (Filing)
		<input type="checkbox"/> 1.17 Fees (Processing Ext. of time)
		<input type="checkbox"/> 1.18 Fees (Issue)
		<input type="checkbox"/> Other _____
		<input type="checkbox"/> Credit